

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Malcolm Walter Anderson, Jr.
Serial No.: 10/729,611
Filing Date: December 5, 2003
Art Unit: 3635
Confirmation No.: 2922
Examiner: Basil S. Katcheves
Title: *Structure and Bolt Protection Apparatus*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO ELECTION/ RESTRICTION REQUIREMENT

Applicant acknowledges receipt of the Office Action mailed May 15, 2007, which sets forth a restriction requirement. In response to the restriction requirement, Applicant provisionally elects Group I, Claims 1-12 and 57-72 with traverse. There is some overlap in scope as the bolt sleeve may be used in building foundations. This election does not necessarily reflect agreement with or acquiescence to the Examiner's conclusions reflected in the Office Action.

Applicant is confused as to whether the language on pages 3-4 is also requiring an election of species. The request for a complete reply states that an "election of a species or invention to be examined" must be included. Applicants have elected the invention of Group I as noted above. If the Examiner is requiring an election of species, it is unclear what claims the Examiner believes constitute which species. The Examiner has identified four claims as

“generic” to two identified species but it is unclear which claims the Examiner considers to be associated with each species--especially given the statement that the four claims are generic. To the extent the Examiner is requiring an election of species and to the extent the species can be discerned, then Applicants elect the species that includes Claims 1-12.

Applicants respectfully disagree, however, with the Examiner’s identification of species. For example, Claim 57 is not limited to a building structure. The bolt sleeve could be used on a bolt that is used to attach a piece of wood to any object--as the claim recites. This is so whether or not the wood or the object forms part of a building structure. Applicants believe the bolt protector claims should be prosecuted with Claims 57-72 and request that the Examiner allow prosecution of Claims 1-12 and 57-72 together.